

CIVIL RIGHTS TRAINING


NEBRASKA CRIME COMMISSION-GRANTS DIVISION

TRAINING

http://www.ncc.ne.gov/documents/civil_rights.htm



THREE THRESHOLD QUESTIONS...

1. Is the agency receiving federal financial assistance?
 2. Does the claim involve a federally protected class? If so, can you identify the federally protected class?
 3. What federal law governs the situation? What right, if any, may a claimant assert against the recipient agency? Did the agency discriminate in employment or in the delivery of services or benefits?
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BETA HOUSE...

- Beta House is a domestic violence shelter and it receives funding from the Office on Violence Against Women. It has a policy of not accepting any clients who have mental disabilities. How would you analyze this situation from the perspective of whether it contains a civil rights claim?



BETA HOUSE...

First- Is the agency receiving federal financial assistance?

Second- Does this situation involve a protected class?

Third- What federal law governs this situation?



OMEGA HOUSE...

Omega House is a nonprofit organization that has designed, in cooperation with a local public high school, an after-school program for at-risk youth. The leadership of Omega House is particularly interested in keeping young men from Southeast Asian countries off the street. Omega House is currently receiving funding from the Office on Juvenile Justice and Delinquency Prevention under the Juvenile Justice and Delinquency Prevention Act to design culturally specific programming for high-school-aged boys. As part of the application process to participate in the after-school program, applicants must be able to show they are of Southeast Asian heritage.



OMEGA HOUSE....

First- Is there federal funding ?

Second- What are the federally protected classes?

Third- What federal laws govern this situation?



LIMITED ENGLISH PROFICIENCY

- A limited English proficient (or LEP) person is a person who has a first language other than English and has a limited ability to read, write, speak, or understand English.
- According to the Justice Department's guidance, a federally funded organization must **(1) take reasonable steps to ensure meaningful access to the programs, services, and information it provides free of charge, and (2) establish and implement policies and procedures for language assistance services that provide LEP persons with meaningful access.**
- A recipient should not charge an LEP person for the language services it provides. An LEP person should not have to pay an interpreter or translator to access the recipient's services.



FOUR FACTOR ANALYSIS...

NUMBER: A federally funded organization should determine the number or proportion of LEP persons served or encountered in the appropriate eligible service population.

FREQUENCY: A federally funded organization should determine the frequency with which LEP individuals come in contact with the program.

IMPORTANCE: A federally funded organization should determine the nature and importance of the service or benefit provided. The more important it is, or the greater possible consequences to LEP individuals if they do not have access to the program, the more likely language services are needed.

RESOURCES: A federally funded organization may take into account the resources it has available and the costs it will incur in providing language access services.




SISTERS HOUSE....

- Sisters House, a nonprofit organization, receives funding from the Office on Violence Against Women, a Justice Department component, to operate a domestic-violence shelter. Ms. Turgenev, a recent Russian immigrant who knows little English, seeks the shelter's services. What should the shelter do?



CIVIL RIGHTS OBLIGATIONS OF STATE ADMINISTERING AGENCIES?

1. Providing notification that it does not discriminate;
 2. Taking reasonable steps to provide meaningful access to its services to persons with limited English proficiency (or LEP);
 3. Submitting to the Office for Civil Rights any findings of discrimination from a court or administrative agency issued within the past three years;
 4. formulating an Equal Employment Opportunity Plan (or EEOP), if required to do so;
 5. designating a coordinator to handle discrimination complaints and adopting grievance procedures, if required to do so under Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, Title IX of the Education Amendments, or the Juvenile Justice and Delinquency Prevention Act;
 6. developing written grievance procedures for receiving discrimination complaints, and
 7. ensuring that it does not discriminate for or against an applicant or subrecipient on the basis of religious character or affiliation.
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FAITH-BASED ORGANIZATIONS....

- Federal funded entities must treat faith-based organizations the same as any other applicant or federally funded group, neither favoring nor discriminating against such organizations in making and administering grant awards.
- A faith-based organization receiving federal funds may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs, provided that it does not use federal funding to support any explicitly religious activities.
- Federal laws ensure that funded faith-based organizations cannot discriminate on the basis of religion in the delivery of services or benefits.



FAITH-BASED REFERRAL SYSTEM

- One significant change under the 2010 Executive Order is that a faith-based organization must establish a referral system for current and prospective beneficiaries who object to the religious character of that organization. **For example, if a domestic violence victim seeks assistance at a church-based federally funded shelter, but objects to the church's religious icons, the church must refer the person to an alternative provider.**





QUESTIONS???
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